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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,977	09/29/2000	Frank P. Hart	042390.P9730	1730

7590

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EXAMINER

DU, THUAN N

ART UNIT

PAPER NUMBER

2116

DATE MAILED: 07/02/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/675,977

Applicant(s)

HART ET AL.

Examiner

Thuan N. Du

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,10-14,24-27 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,10-14,24-27 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment B (dated 4/8/04).
2. Claims 1-3, 5-8, 10-14, 24-27 and 30 are presented for examination.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. The rejections are respectfully maintained and reproduced infra for applicants' convenience.

#### *Claim Rejections - 35 USC § 103*

5. Claims 1-3, 5-8, 10-14, 24-27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panas et al. [Panas] (U.S. Patent No. 6,473,857) and Croll (U.S. Patent No. 5,367,688).
6. Regarding claims 1, 8, 10-11 and 12, Panas teaches a method for booting a subsystem (IOP) comprising the steps of:
  - retrieving a subsystem boot indicator [col.19, lines 2-8]; and
  - transferring information to the subsystem based on the subsystem boot indicator [col. 19, lines 11-37].Panas does not explicitly teach the transferring the information to the subsystem is performed without involvement of a main operating system.

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Croll teaches a system for booting a subsystem comprising the step of transferring boot image from the host system to the subsystem without involvement of the host operating system [col. 6, line 1-7].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Panas and Croll because they both teach system for booting up a subsystem. Croll's teaching of transferring the boot information to the subsystem without involvement of the host operating system would increase the flexibility of Panas' system by allowing the host OS to be free to respond other requests from other subsystems.

7. Regarding claims 2 and 14, Panas teaches the subsystem boot indicator is located in a non-volatile storage device (CMA) [col. 19, lines 3-5].

8. Regarding claim 3, Panas teaches the non-volatile storage device is located within the subsystem [col. 19, line 3-5].

9. Regarding claims 5 and 6, it is the matter of design choice to use a bus or a communication link for transferring the information to the subsystem having a bus width or bandwidth less than that of the main system

10. Regarding claims 7 and 13, Panas teaches the information transferred to the subsystem is transferred to a memory accessible by the subsystem [col. 19, lines 26-34, 46-48].

11. Regarding claims 24-27 and 30, Panas and Croll together teach the claimed method steps. Therefore, Panas and Croll together teach the apparatus to implement the claimed method steps.

***Response to Argument***

12. Applicants' arguments filed 4/8/2004 have been fully considered but are not persuasive.

13. In the Remarks, applicants argued in substance that Croll does not teach transferring boot image from the host system to the *subsystem*. Therefore, Croll fails to teach the claimed limitation of transferring the information to the subsystem is performed without involvement of a main system operating system.

14. A subsystem, by definition, is a system that is part of some larger system. A node is a system that is part of the whole network system. Therefore, the node, disclosed by Croll, is the claimed subsystem. As the result, Croll teaches the claimed limitation of transferring the information to the subsystem is performed without involvement of a main system operating system [col. 1, lines 65-68; col. 6, lines 1-7].

***Conclusion***

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

The fax number for the organization is (703) 872-9306.

Thuan N. Du  
June 28, 2004

  
LYNNE H. BROWNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 9800 2100